

1 The Land Use and Zoning Committee offers the following substitute to
2 File No. 2019-878:

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4 Introduced by the Land Use and Zoning Committee:

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7 **ORDINANCE 2019-878**

8 AN ORDINANCE REZONING APPROXIMATELY 6.90±
9 ACRES, LOCATED IN COUNCIL DISTRICT 7 AT 0
10 BISCAYNE BOULEVARD AND 0 DUNN AVENUE, BETWEEN
11 MAR VIC LANE AND RUTGERS ROAD (R.E. NOS.
12 044180-0010 AND 044215-0010), AS DESCRIBED
13 HEREIN, OWNED BY THE CHARLES DAVIS BURNER
14 TRUST, ET AL., AND THE CARL E. STOUDEMIRE, JR.
15 TRUST, ET AL., FROM RESIDENTIAL MEDIUM
16 DENSITY-A (RMD-A), RESIDENTIAL MEDIUM DENSITY-
17 C (RMD-C) AND COMMERCIAL COMMUNITY/GENERAL-1
18 (CCG-1) DISTRICTS TO PLANNED UNIT DEVELOPMENT
19 (PUD) DISTRICT, AS DEFINED AND CLASSIFIED
20 UNDER THE ZONING CODE, TO PERMIT MULTIFAMILY
21 RESIDENTIAL USES, AS DESCRIBED IN THE BISCAYNE
22 VILLAS PUD; PROVIDING A DISCLAIMER THAT THE
23 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
24 AS AN EXEMPTION FROM ANY OTHER APPLICABLE
25 LAWS; PROVIDING AN EFFECTIVE DATE.

26
27 **WHEREAS**, the Charles Davis Burner Trust, et al., and the Carl
28 E. Stoudemire, Jr. Trust, et al., the owners of approximately 6.90±
29 acres, located in Council District 7 at 0 Biscayne Boulevard and 0
30 Dunn Avenue, between Mar Vic Lane and Rutgers Road (R.E. Nos.
31 044180-0010 and 044215-0010), as more particularly described in

1 **Exhibit 1**, dated March 10, 2020, and graphically depicted in
2 **Exhibit 2**, both of which are **attached hereto** (Subject Property),
3 have applied for a rezoning and reclassification of that property
4 from Residential Medium Density-A (RMD-A), Residential Medium
5 Density-C (RMD-C) and Commercial Community/General-1 (CCG-1)
6 Districts to Planned Unit Development (PUD) District, as described
7 in Section 1 below; and

8 **WHEREAS**, the Planning Commission has considered the
9 application and has rendered an advisory opinion; and

10 **WHEREAS**, the Land Use and Zoning Committee, after due notice
11 and public hearing, has made its recommendation to the Council; and

12 **WHEREAS**, the Council finds that such rezoning is: (1)
13 consistent with the *2030 Comprehensive Plan*; (2) furthers the
14 goals, objectives and policies of the *2030 Comprehensive Plan*; and
15 (3) is not in conflict with any portion of the City's land use
16 regulations; and

17 **WHEREAS**, the Council finds the proposed rezoning does not
18 adversely affect the orderly development of the City as embodied in
19 the Zoning Code; will not adversely affect the health and safety of
20 residents in the area; will not be detrimental to the natural
21 environment or to the use or development of the adjacent properties
22 in the general neighborhood; and will accomplish the objectives and
23 meet the standards of Section 656.340 (Planned Unit Development) of
24 the Zoning Code; now, therefore

25 **BE IT ORDAINED** by the Council of the City of Jacksonville:

26 **Section 1. Property Rezoned.** The Subject Property is
27 hereby rezoned and reclassified from Residential Medium Density-A
28 (RMD-A), Residential Medium Density-C (RMD-C) and Commercial
29 Community/General-1 (CCG-1) Districts to Planned Unit Development
30 (PUD) District. This new PUD district shall generally permit
31 multifamily residential uses, and is described, shown and subject

1 to the following documents, **attached hereto**:

2 **Exhibit 1** - Legal Description dated March 10, 2020.

3 **Exhibit 2** - Subject Property per P&DD.

4 **Exhibit 3** - Written Description dated February 25, 2020.

5 **Exhibit 4** - Site Plan dated January 29, 2020.

6 **Section 2. Owner and Description.** The Subject Property
7 is owned by the Charles Davis Burner Trust, et al., and the Carl E.
8 Stoudemire, Jr. Trust, et al., and is described in **Exhibit 1,**
9 **attached hereto.** The agent is Wyman R. Duggan, Esq., 1301
10 Riverplace Boulevard, Suite 1500, Jacksonville, Florida 32207;
11 (904) 398-3911.

12 **Section 3. Disclaimer.** The rezoning granted herein
13 shall **not** be construed as an exemption from any other applicable
14 local, state, or federal laws, regulations, requirements, permits
15 or approvals. All other applicable local, state or federal permits
16 or approvals shall be obtained before commencement of the
17 development or use and issuance of this rezoning is based upon
18 acknowledgement, representation and confirmation made by the
19 applicant(s), owner(s), developer(s) and/or any authorized agent(s)
20 or designee(s) that the subject business, development and/or use
21 will be operated in strict compliance with all laws. Issuance of
22 this rezoning does **not** approve, promote or condone any practice or
23 act that is prohibited or restricted by any federal, state or local
24 laws.

25 **Section 4. Effective Date.** The enactment of this
26 Ordinance shall be deemed to constitute a quasi-judicial action of
27 the City Council and shall become effective upon signature by the
28 Council President and the Council Secretary.

1 Form Approved:

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3 /s/ Shannon K. Eller

4 Office of General Counsel

5 Legislation Prepared By: Bruce Lewis

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